

Surf Pines Association



Owners' Guide 2008-2009

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Directory

Board of Directors	Phone	E-mail	Term Ends
Don Kruger, President	861-3815	dnkruger@msn.com	2008
Michael Wilkin, Vice President	861-0701	wilkin@ccalmr.ogi.edu	2010
Patrick Kelley, Secretary	717-8460	roger_masse@sprynet.com	2009
Dave Lukens, Treasurer	717-1284	dluke51@freedomnw.com	2010
Bob McWhirter, Director	738-5758	bobmcwh@aol.com	2009

Committee Chairpersons

Security, Burr Allegaert	738-7717	burr@theoregonshore.com
Road and Grounds, Ken Weber	738-5986	kkweber@seasurf.net
Community Relations, N. Keever	738-5069	gnkeever@msn.com

Management and Staff

Dan Bartlett, Administrator	791-8060	drbartlet@charter.net
John Gates, Security Manager	738-0637	
Susan Wood, Bookkeeper	325-1097	

Additional Useful Telephone Numbers

Emergencies **911**

Agencies

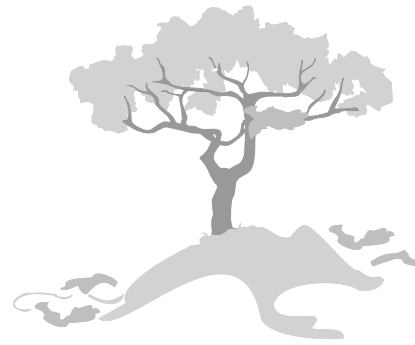
Clatsop County Animal Control	861-7387
Clatsop County Community Development Department	325-8611
Clatsop County Sheriff	325-2061
Clatsop County Soil and Water Conservation District	325-4571
Gearhart Fire Department	738-7838
Oregon Dept. of Fish & Wildlife	338-0106
Oregon Dept. of Forestry	325-5451
Oregon Parks & Recreation	861-3170
Oregon State Police	325-2231

Utilities

Cable (Charter Communications)	1-866-731-5420
Electricity (Pacific Power)	1-888-221-7070
Gas (Northwest Natural)	1-800-422-4012
Refuse and Recycling (WOW)	738-5717
Telephone (Qwest)	1-800-244-1111
Water (City of Warrenton)	861-2233 for billing; 861-0912 for service problems



Surf Pines Association Owners' Guide



Welcome to Surf Pines



Although Surf Pines was once one of the best-kept secrets on the northern Oregon coast, the secret now seems to be out. Recently, Surf Pines has welcomed numerous new residents. If you are one of these new residents, then this *Owners' Guide* will serve as your introduction to Surf Pines.

If you are an established resident, then you need little or no introduction to Surf Pines. This *Guide* will serve as your reference booklet about Surf Pines.



Surf Pines Association



Surf Pines is incorporated as a nonprofit corporation under the laws of the State of Oregon. The name of the corporation is *Surf Pines Association*.

Articles of Incorporation

Appendix A, "Articles of Incorporation of Surf Pines Association, an Oregon Nonprofit Corporation," includes complete information about the purposes of the Association; its boundaries; its management; its membership, including an application for membership; and its members' voting rights. See Appendix A on page 16 for this information.

Bylaws

Appendix B, "Bylaws of Surf Pines Association, an Oregon Nonprofit Corporation," includes complete information about the governance of the Association by its members for its members. See Appendix B on page 20 for this information.

"Covenants, Conditions, and Restrictions"

Because Surf Pines does not have Covenants, Conditions, and Restrictions (CC&Rs), rules and regulations governing the development and use of property are those adopted by Clatsop County and administered by the Clatsop County Community Development Department.

Surf Pines Association (Continued)



Note, though, that some subdivisions within Surf Pines, such as Surf Pines Landing, have their own CC&Rs. When in doubt about CC&Rs, ask before you act.

These Clatsop County development standards apply to Surf Pines:

- Lots that are zoned Coastal Beach Residential (CBR) must be at least 1 acre in size and 100 feet in width; lots that are zoned Single Family Residential-1 (SFR-1) must be at least 1 acre in size and 125 feet in width.
- Only one single-family home is permitted on a lot.
- Front and back yards must be at least 20 feet and side yards must be 10 feet. (In addition, the front-yard setback from the street must be at least 20 feet.) On corner lots, the street side yard must be 20 feet but the back yard may be reduced to 10 feet. Lots existing on September 30, 1980, of less than 1 acre in size may have side yards of 5 feet.
- All buildings must comply with state building codes, be suitable for year-round use, and be placed on permanent foundations.
- All buildings, fences, and other structures must be kept in good repair.
- All driveways must be composed of gravel, cinders, concrete, or asphalt.



In this single-family residential area, these Clatsop County use restrictions apply:

- Motor homes, campers, travel trailers, boats, other recreational vehicles, mobile homes, and modularly built homes pre-constructed offsite are prohibited as permanent residences.
- Motor homes, campers, travel trailers, boats, and other recreational vehicles may be occupied as temporary residences for no more than 30 days out of any 90-day period; they may not be parked on common land, including roads, rights-of-way, and easements.
- Commercial buildings and other enterprises that are open to the public are prohibited.
- Regarding signs, a nameplate on a home may not exceed 1.5 square feet in area; a temporary sign pertaining to the rental, lease, or sale of a property may not exceed 8 square feet; and all signs, including political signs, must be on private property, not on rights-of-way.
- Homes may be rented for periods of time no less than 7 days.
- All equipment and inoperable vehicles must be screened from neighboring homes and adjoining streets, and no more than one inoperable vehicle is allowed.





Surf Pines Association (Continued)

- No more than 12 months of construction time may elapse before the completion of the exterior finish of a home, and a temporary dwelling may not be used as living quarters, except during the construction of a permanent home and then only with the approval of the county.
- An exterior latrine is allowed only during the construction of a home and then only with the approval of the Department of Environmental Quality and the county.
- All landowners must comply with the laws and regulations of the State of Oregon, County of Clatsop, applicable to fire protection, building construction, water sanitation, sewage disposal, and public health.

Conservation of the Dunes

Surf Pines is built on fragile sand dunes—open, shifting sands that once stretched from the Columbia River to Gearhart. In fact, the pines of Surf Pines were planted by the Civilian Conservation Corps in the 1930s in an effort to stabilize these fragile dunes. But many of the pines are gone now, lost through development and in the Great Coastal Gale of December 2-3, 2007.

If you build your house on sand, despite a notable admonition to the contrary, then you probably should conserve the sand.

Because erosion by wind and water is a serious concern in Surf Pines, regulations intended to preserve the stability of the dunes are enforced by Clatsop County, Clatsop County Community Development Department, Clatsop County Soil and Water Conservation District, and Oregon Department of Parks and Recreation.

Regulations pertain to these general actions and others:

- Locating buildings
- Excavating soil
- Filling low land
- Removing vegetation
- Replanting exposed sand

Although the regulations are complicated, they should be observed carefully by a community that built its houses on sand. Before you take any action that removes natural vegetation or exposes bare sand, obtain advice and instructions from Clatsop County Community Development Department, Clatsop County Soil and Water Conservation District, and Oregon Department of Parks and Recreation.





Self-Managing Community

Surf Pines is a self-managing community. The members of the Surf Pines Association manage the community.

Meetings

The members of the Surf Pines Association hold an Annual Meeting, typically on the first Saturday of August, to elect directors, consider an annual budget, and transact other business. The date of the meeting is announced months in advance so that members can plan to attend.



Members participate during an Annual Meeting.

The elected Board of Directors meets monthly, typically on the 3rd Monday of the month at 4:30 p.m. at the meeting house. All members of the Association are welcome to attend this open meeting. And all members are provided with an opportunity to address the board. When you plan to attend, check either the Association's web site (www.surfpines.org) or the bulletin boards at the north and south gates to confirm the time and place.

Communications

In addition to meetings, communication among members of the Association is accomplished through these channels:

- The Surf Pines Association's web site (www.surfpines.org), which publishes meeting agendas before the meetings, minutes soon after the meetings, and a wealth of other information
- The *Surf Pines Breeze*, a newsletter, which is published quarterly
- The Surf Pines Association's *Directory*, a list of members who have homes in the community, their addresses, their e-mail addresses, and their telephone numbers, which is published occasionally
- This Surf Pines Association's *Owners' Guide*, which is published occasionally

Bulletin boards at the north and south gates provide an additional channel of communication.





Self-Managing Community (Continued)

Finances

The current yearly operating budget for the Association is approximately \$175,000. The fiscal year begins on July 1 and ends on June 30.

Dues are currently \$100 per quarter for each improved and unimproved property. They are billed in arrears for services provided during the preceding quarter. In addition to funding the operating budget, the dues support reserves for future gate and road expenses.

Besides quarterly dues, these one-time fees are billed on commencement of construction of a new home or other principal building: a \$1000 Development Fee, which is reserved for capital investment; a Road Impact Fee of \$0.50 per square foot of living area; and a \$225 Gate Fee.

Assessments are rare, including only two within the past ten years.

Payments for dues, fees, and any assessments are due by the end of the month in which a statement is received and are delinquent thereafter. If a payment is delinquent, then the balance is re-billed each month until it is paid. A late charge is added to the balance each month, \$15 in the case of dues and either \$15 or 5%, whichever is larger, in the case of either a fee or an assessment.

Board of Directors

The Board of Directors of the Association includes 5 members. The directors are elected by the membership at the Annual Meeting for 3-year overlapping terms. Among themselves, the directors elect a president, a vice-president, a secretary, and a treasurer. The directors determine the policies of the Association, oversee the budget, and typically chair and appoint the committees. (See Appendix C on page 27 for a summary of policies.) The board meets monthly, typically on the 3rd Monday of the month at 4:30 p.m. at the meeting house.

Committees

The committees of the Association include these standing committees:

- Security Committee
- Roads and Grounds Committee
- Community Relations Committee

The committees include these ad hoc committees:

- Budget Committee
- Nominating Committee

With the exception of the Nominating Committee, the committees typically are chaired by members of the Board of Directors. The chairpersons are appointed by the board president. Through their chairpersons, the committees report to the board.

Security Committee

The Security Committee typically includes 5 to 7 members, who are appointed by the chairperson. This committee's charge is the safety and security of residents and property in Surf Pines. The committee meets monthly with the day and time selected to accommodate members' schedules.

Roads and Grounds Committee

The Roads and Grounds Committee typically includes 5 to 7 members, who are appointed by the chairperson. This committee's charge is the maintenance and improvement of the roads and common grounds in Surf Pines. The committee meets monthly with the day and time selected to accommodate members' schedules.





Self-Managing Community (Continued)

Community Relations Committee

The Community Relations Committee typically includes 5 to 7 members, who are appointed by the chairperson. This committee's charge is the promotion of positive community relations within Surf Pines. The committee meets monthly with the day and time selected to accommodate members' schedules.

Budget Committee

The Budget Committee typically includes 5 to 7 members, who are appointed by the treasurer. This committee's charge is to draft an annual budget for the consideration of the Board of Directors, which, in turn, submits the budget to the membership for consideration at the Annual Meeting. The committee typically meets twice during either April or May with the days and times selected to accommodate members' schedules.

Nominating Committee

The Nominating Committee typically includes 3 to 5 members, who are appointed by the president. This committee's charge is to nominate members to fill open positions on the Board of Directors. The committee typically meets twice during May with the days and times selected to accommodate members' schedules.



Volunteers clean the beach after the 4th of July.

Volunteers

As a self-managing community, Surf Pines depends on volunteers. (Only two part-time positions in Surf Pines are paid: administrator and security manager.)

Volunteers staff the Board of Directors. More volunteers staff the committees of the Association. And, usually, even more volunteers are needed.

Although you did not choose to live in Surf Pines just to volunteer your time, the Association depends on volunteers like you. There are numerous opportunities to volunteer. Instead of waiting to be asked to "volunteer," contact any member of the Board of Directors about an opportunity that fits your skills and interests.



Volunteers also protect the lake in Surf Pines.

Administrator

Administrator is one of the paid part-time positions in Surf Pines. The administrator advises the Board of Directors; assists the president, the other officers, and the chairpersons of the committees; and performs the administrative tasks that are required for the Association to function.

Security Manager

Security manager is the other paid part-time position in Surf Pines. Residing in the gatehouse at the south gate, the security manager is available in the office at the house and by telephone at 738-0637.



Self-Managing Community (Continued)

The security manager provides security for residents and property in Surf Pines by:

- Presenting an image to the general public that security is a priority in the community
- Patrolling the roads and grounds to observe and either correct or report unsafe conditions
- Notifying law enforcement agencies when assistance is required
- Making minor repairs and adjustments to the operation of the gates
- Keeping road signs visible and roads clear of debris

Security

Security is a high priority in Surf Pines.

The Security Committee is one of the three standing committees of the Surf Pines Association because the safety and security of residents and property in Surf Pines are a priority. You can support this priority by volunteering to serve on the committee. Or you can support the priority simply by being supportive of the work of the committee.

The Security Committee oversees the operation of the gates of Surf Pines that protect residents

- Providing information to residents and their guests

The security manager is not a police officer. The security manager will report any suspicious or illegal activity to an appropriate authority, but it is not the security manager's function to arrest anyone involved in such activity. If you witness either suspicious or illegal activity, you should call 911 and then advise the security manager at 738-0637.

Similarly, the security manager is not a dog catcher. Clatsop County Animal Control is the appropriate agency to deal with animal control.



and property. The committee monitors vehicle speed on the roads of Surf Pines to protect residents and wildlife. And the committee works to reduce the risks to residents and property presented by tsunamis, fire and smoke, fireworks, firearms and hunting, and uncontrolled dogs.

Gates

Gate Codes and Transmitters

To provide security, the gates limit access to Surf Pines to members, their guests, and others who are authorized to enter. The entrance gates are opened either by entering a gate code on the key pad or by pressing a button on a hand-held radio transmitter.





Security (Continued)

As a property owner, you may obtain a personal gate code upon payment of a one-time \$225 gate fee. (There is no charge to successive owners, each of whom may obtain a new gate code upon change of ownership.) As an owner, you also may purchase radio transmitters for \$25 each to open the entrance gates remotely. Personal gate codes and radio transmitters open the entrance gates 24 hours per day. **Note that these codes and transmitters are for the use of the owner and his or her immediate family only.**

Each month, a new “visitor” gate code is established. This visitor gate code opens the gates between the hours of 6:00 a.m. and 9:00 p.m. It is the code that you should provide to your guests and others whom you authorize to enter the gates. You receive a list of the upcoming visitor gate codes with your quarterly dues statement. (You also can obtain the visitor gate codes from the security manager.)

Public safety agencies and utilities have special gate codes that provide them with access to Surf Pines 24 hours per day. Established contractors and other regular service providers have gate codes that provide them with access between 6:00 a.m. and 9:00 p.m. (If you have a service provider who needs access at other hours for emergency services, then contact the security manager.)

When you have a party or another special event, you can arrange for a special gate code that provides your guests with access only for the day and time of the event. Contact the security manager at least a week in advance to make arrangements.

Similarly, if you make arrangements with the security manager at least a week in advance, the gates can be open from 8:00 a.m. to 5:00 p.m. on the last Saturday and the following Sunday of each month for either a garage sale or a real-estate open house.

Do not put your personal gate code in a newspaper advertisement, post it on a sign, or make it available in any other way to anyone except for your immediate family. If you do, you negate an effort to provide security for Surf Pines. A personal gate code that is made public will be removed from the computer, and you will have to apply for a new one.

Operation of the Gates

To open an entry gate, enter your gate code on the keypad that is mounted on a post ahead of the gate. (If you enter part of the code incorrectly, then press the * key once to clear the entry and start over from the beginning of the code. If you enter an invalid code three times in succession, then wait three minutes before reentering your code.) When a valid code is accepted, a red light that is mounted to the right of the gate comes on and the gate opens. Wait until the gate is fully open before you enter. After you enter, the gate closes automatically behind you when your vehicle passes through the safety electric eye.

You may also open an entry gate remotely with a radio transmitter. As you approach the post on which the keypad is mounted, press the button on the transmitter until the red light that is mounted to the right of the gate comes on. (Repeatedly pressing the button will stop the gate and delay your entry.) The radio transmitter operates on a 9-volt battery, which you should replace once per year for uninterrupted service.





Security (Continued)

Finally, you may open an entry gate for a visitor who does not have a gate code via your telephone (but **not** your cell phone). Here is the three-step procedure:

1. The visitor drives up to an entry gate, stops at the Sentex unit where the key pad is located, and follows instructions on the screen to find your name, which is followed by a special number (**not** your telephone number).
2. The visitor enters the special number on the key pad, thereby connecting through the Sentex telephone to your telephone.
3. You answer your telephone and, after identifying the visitor as a person whom you either want to admit or do not want to admit, you either press 9 on your telephone to open the gate or hang up to leave the gate closed.

Note that the telephone call is short. After you answer the call, you have only 90 seconds in which to press 9 before the connection is broken and the visitor has to start over at step 2.

(You might want to practice this procedure, perhaps with a member of your family at an entry gate while you are at your telephone.)

To protect your privacy, your name is not listed in the system directory at the gate unless you request that it be listed. If your name is not currently in the directory at the gate and you want it to be listed, then contact the security manager.

Unlike the entry gates, the exit gates open automatically as a vehicle slowly crosses over the white diamond painted on the pavement in front of them and they close automatically when the vehicle passes through the safety electric eye. However, a vehicle that is traveling faster than 10 miles per hour might not activate the exit gate controller.

Tips about the Gates

- Press the numbers on the keypad firmly.
- Replace the battery in your transmitter once per year to ensure the reliability of the transmitter. If the transmitter fails to work with a new battery, then report it to the security manager.
- Do not open an entrance gate to let a vehicle ahead of you enter unless you know the occupant. You might be admitting someone who does not have a reason to be in our community.
- Do not use your transmitter at the exit gates. Exit gates open automatically.
- Wait for the gates to open fully and lock in place vertically before driving ahead to avoid damage to your vehicle and the gates.
- Never enter or exit through the wrong gate. You might damage either your vehicle, another vehicle, or the gate.
- Report improperly operating gates to the security manager

Vehicle Speed

Because drivers share the narrow roads of Surf Pines with bicyclists, runners, joggers, walkers, children at play, elk, deer, and other wildlife, the posted speed limit on the roads is 25 miles per hour. Deputy sheriffs use radar to check speed.





Security (Continued)

If drivers exceed the posted speed limit, then assessments may be levied against the drivers according to the schedule of fees currently in use by the courts of Oregon. Assessments currently range from \$97 for driving 1-10 miles per hour in excess of the posted speed limit to \$427 for driving more than 30 miles per hour in excess of the posted speed limit.

Any driver who habitually speeds on the roads of Surf Pines should be reported to the security manager, who reports the speeding, in turn, to the Security Committee. Do not confront a speeder. Do not endanger yourself. But do get a license-plate number and as complete a description as possible of the vehicle, the driver, and the occurrence of speeding, including time and place.

Tsunamis

To reduce the risk to residents presented by tsunamis, also called *tidal waves*, the Association recommends use of a National Oceanic and Atmospheric Administration (NOAA) weather radio that broadcasts National Weather Service watches and warnings 24 hours per day. And the Association maintains a telephone tree to alert residents who live on Ocean Drive, the low road, of a tsunami watch or warning. Residents of 18 households on the high roads of Surf Pines have committed to call households on the low road when a tsunami watch or warning is issued.

To respond to a tsunami, follow this two-step process:

1. When you receive advance notice that a tsunami will strike the coast, get away from the beach and move to higher ground.

Or when you feel an earthquake that shakes the ground violently, get away from the beach, without waiting for any other notice, and immediately move to higher ground.

Or, if you are walking on the beach and the water recedes rapidly, then run to higher ground.

In Surf Pines, the higher ground is along Manion Drive.

2. After you reach the higher ground, stay there until you receive notice that the tsunami is over.

For more information about tsunamis, see Appendix D, "Tsunami 101 for Surf Pines Residents," on page 30.

Fire and Smoke

To reduce the risks to residents and property presented by fire and smoke, guidelines have been established for residents who plan to burn small amounts of debris and a policy has been established for developers and contractors who plan to dispose of the large amounts of debris that result from clearing land.

Residents' Guidelines for Burning Small Amounts of Debris

If you plan to burn a small amount of debris, then follow these guidelines to reduce risk:

- Contact the Gearhart Fire Department and the Oregon Department of Forestry to be sure that burning is permitted. (Burning is prohibited during the fire season, which usually extends from July through October, but varies from year to year depending on the weather.)
- Attend the burn at all times.
- Burn only during daylight.
- Burn either in a barrel or in a pile no larger than 4 cubic feet.
- Place the barrel or the pile away from combustibles, such as brush and grass, and no closer than 50 feet from any building and fence.
- Do not burn if smoke might affect health or damage property.
- Keep ready at hand tools to extinguish the burn, such as a fire extinguisher, a water hose, and a shovel.



Security (Continued)

- Extinguish the burn completely before you leave it.

If either fire or smoke from a neighbor's burn is a problem, then the simplest solution often is to talk with your neighbor and make him or her aware of the problem.

If a burn seems to be out of control or smoke from it is creating a serious nuisance, then call 911 and report the burn to the dispatcher, who will send the Gearhart Fire Department or the Oregon Department of Forestry to extinguish it. Violation of the guidelines might result in liability for the fire department's response.

Policy on Disposal of Large Amounts of Debris Resulting from Clearing Land

If either you, your developer, or your contractor plans to clear land, then note this policy:

It is the policy of the Surf Pines Association that all logs, limbs, brush, and other debris created by or resulting from the clearing of land in advance of the construction of a home (or for any other purpose that results in a large amount of material) will be disposed of in a manner other than by the use of fire. Options include but are not limited to chipping the debris and spreading it on the property that has been cleared or trucking the debris out of Surf Pines for disposal elsewhere.

If you know of an impending violation of this policy, then report it to the security manager, who will report it to the administrator and the Security Committee for action.

Fireworks

To reduce the risk to residents and property presented by fireworks, the use of fireworks of any kind, including firecrackers, is prohibited in Surf Pines, except on the public beach, where state laws are strictly enforced by the Clatsop County Sheriff and the Oregon State Police.

Firearms and Hunting

To reduce the risk to residents presented by firearms, discharging a firearm is prohibited in Surf Pines. Any use of firearms should be reported to the Clatsop County Sheriff for action and to the security manager for the record.

Hunting of any kind is prohibited in Surf Pines. Any hunting should be reported to the security manager, who reports the hunting, in turn, to Oregon State Police, Oregon Department of Fish and Wildlife, and the Security Committee. Do not confront a hunter. Do not endanger yourself. But do get as complete a description as possible of the hunter and the occurrence of hunting, including time and place.

Pursuing, molesting, trapping, injuring, and killing animals and birds in Surf Pines are all prohibited without the approval of the Board of Directors. As an exception to the rule, control of damaging rodents is permitted, provided that it is accomplished in a manner that does not endanger either children, pets, or other wildlife. Poisons that might be dangerous to either people, pets, or other wildlife are to be avoided.



Hunting is prohibited in Surf Pines.



Security (Continued)

Dogs and Other Pets

Dogs in Surf Pines should be either confined, kept on a leash, or under voice control. Per Section 8.1(e) of the Bylaws, the Board of Directors may impose an assessment when a dog is allowed to run loose out of sight of the owner. (See Appendix B, page 23, for more information.)

Dogs and other pets must be controlled so that they are neither a danger nor a nuisance to either residents or wildlife. According to a Clatsop County ordinance, a dog is either a danger or a nuisance if it:

- Bites any person
- Chases either people or vehicles
- Damages the property of a person other than the owner of the dog
- Trespasses on the property of a person other than the owner of the dog
- Scatters garbage
- Disturbs any person by frequent or prolonged barking
- Is a female in heat running at large

If a neighbor's dog is a problem because it runs loose, then the simplest solution often is to talk with your neighbor and make him or her aware of the problem. If the problem persists, then report it to the security manager, who, though not a dog catcher, reports the problem, in turn, to the Security Committee. If a dog is either a danger or a serious nuisance, then report it to Clatsop County Animal Control for action and to the security manager for the record.

No animals other than domestic household pets may be kept on any part of a property in Surf Pines. Animals may not be bred or raised for commercial purposes or kept in unreasonable numbers. A maximum of five dogs is permitted at any residence.



Outdoors, a dog is to be either confined, on a leash, or under voice control. This controlled dog waits patiently for treats at a picnic.



This cat prefers the great indoors.



Deer almost become pets.



Roads and Grounds



Roads and grounds are another high priority in Surf Pines.

The Roads and Grounds Committee is another of the three standing committees of the Surf Pines Association because the maintenance and improvement of the roads, the roadside rights-of-way, and the common grounds in Surf Pines are a priority. You can support this priority by volunteering to serve on the committee. Or you can support the priority simply by being supportive of the work of the committee.

The Roads and Grounds Committee currently maintains and improves the roads of Surf Pines on the basis of the "Surf Pines Pavement Management Plan," a 6-year plan prepared by a professional engineering firm. The committee developed, maintains, and improves the paths that provide access to the beach and the lake. A sub-committee, the Park Committee, developed, maintains, and improves Surf Pines Park as a community park. And the main committee renovated the old gatehouse to create a new meeting house for members of the Association.

The roads and grounds of Surf Pines include all of the roads that are owned by the Association, the paths, and the park. You can see the roads, the paths, and the park on the map of Surf Pines that is on the back cover of this booklet.

Roads

Except for the roads that are shown on the map of Surf Pines as private streets, all of the roads are owned and regulated by the Association. These regulations apply to their use:

- The posted speed limit on the roads of Surf Pines is 25 miles per hour. Deputy sheriffs use radar to check speed. If drivers exceed the posted speed limit, then assessments may be levied against the drivers according to the schedule of fees currently in use by the courts of Oregon. Assessments currently range from \$97 for driving 1-10 miles per hour in excess of the posted speed limit to \$427 for driving more than 30 miles per hour in excess of the posted speed limit.
- Motorcycles and all other motor vehicles operated on the roads of Surf Pines must comply with Oregon law, and they must be operated only on roads.
- All-terrain vehicles (ATVs) are prohibited on the roads of Surf Pines, on easements, and on the dunes. The only place that ATVs may be driven in Surf Pines is on private property.



Roads and Grounds (Continued)

Paths to the Beach and the Lake

Paths provide access to the beach and the lake for members and their guests. Currently, beach access is provided at six locations that are marked with signposts reading “To Beach”:

- Ocean Drive at Malarkey
- Just north of 89956 Ocean Drive
- Ocean Drive at Horizon
- Ocean Drive at High Surf
- Just north of 89254 Ocean Drive
- Just north of 89066 Ocean Drive

All of these paths to the beach are for foot traffic only.

In addition to beach access, access to the lake is provided to members, their guests, and their boat trailers just south of 89853 Manion Drive. This access is marked with a signpost reading “To Lake.”

A private path that is on an individual member's private property should be respected by others. Any path to the beach that is on private property must run perpendicular to the beach and must be limited to no more than 4 feet in width. If a path begins to erode because of either wind or water, then it must be either planted with vegetation or covered with straw.



Any vehicle traffic on either the dunes or the paths to the beach should be reported to the Oregon State Police for action and to the security manager for the record. Do not confront trespassers. Do not endanger yourself. But do get a license plate number and as complete a description as possible of the vehicle, the driver, and the occurrence of driving on the dunes, including time and place.

Community Park

Surf Pines Park, a community park, is located at the corner of Ocean Drive and Horizon. It is available for the use of members and their guests. Besides a barbecue and picnic tables, the park includes swings, horseshoe pits, a volley ball court, and a playfield. Your use of the park is encouraged. For rules regarding its use, see Appendix C on page 27, the section headed “Use of Park.”

Meeting House

The new meeting house, which was the old gatehouse, is located at the south gate. It is available for board meetings, committee meetings, and other meetings of members and their guests. Furnished with 2 folding tables and 20 folding chairs, the meeting house accommodates approximately 20 people. A limited kitchen is available. The parking area accommodates approximately 12-15 vehicles. Your use of the meeting house is encouraged. For rules regarding its use, see Appendix C on page 27, the section headed “Use of Meeting House.”





Community Relations

Positive community relations are another high priority in Surf Pines.

The Community Relations Committee is another of the three standing committees of the Association because the promotion of positive community relations within Surf Pines is a priority. You can support this priority by volunteering to serve on the committee. Or you can support the priority simply by being supportive of the work of the committee.

The Community Relations Committee promotes positive community relations within Surf Pines by welcoming new residents. The committee sponsors seasonal events that are designed to bring together all members of the community, including new residents and established residents. And the committee works, on an ad hoc basis, to maintain goodwill among neighbors.

The committee's most public contribution to positive community relations is its sponsorship of seasonal events.

Spring Event

The spring event is typically a wine-tasting party at the home of a resident. Attend this event if you enjoy good wine, good food, and good company. Volunteer to host the event if you can accommodate approximately 40 guests at your home.

Summer Events

Summer events include the Annual Surf Pines Picnic, the Annual Surf Pines Garage Sale, and the Annual Surf Pines Ice-Cream Social.

Annual Surf Pines Picnic

The Annual Surf Pines Picnic is held in Surf Pines Park on or about the 4th of July. Attend this event if you enjoy a classic 4th of July picnic with good food and good company. In fact, expect lots of company. Approximately 100 people typically attend the picnic. At a picnic, children are welcome, of course.



Annual Surf Pines Garage Sale

The Annual Surf Pines Garage Sale is held in the garages of participating members on a summer Saturday. Typically, 25 garages are open for the garage sale. Open your garage and participate in this event if you want to cash in on Surf Pines' considerable cachet with customers.

Annual Surf Pines Ice-Cream Social

The Annual Surf Pines Ice-Cream Social is held in a pocket park at the home of a resident on a summer Saturday. Attend this event if you enjoy an old-fashioned ice-cream social, delicious *homemade* ice-cream, and good company. At an ice-cream social, children are welcome, of course.

Fall Event

The fall event is typically an Oktoberfest, such as the recent one at the Pacific Grange Hall. Attend this event if you enjoy either hot cider or cold beer, good German sausages, harvest bounty, and good company. Volunteer to host the event if you can accommodate approximately 60 guests at your home.

Winter Event

The winter event is the Annual Surf Pines Holiday Party, a soiree at the home of a resident. Attend this event if you enjoy good holiday cheer, good food, and good company. Volunteer to host the event if you can accommodate approximately 80 guests at your home.

Appendixes



Appendix A, Articles of Incorporation of Surf Pines Association, an Oregon Nonprofit Corporation (with Amendments through 2007)

KNOW ALL MEN BY THESE PRESENTS, that JOHN J. COUGHLIN, a natural person of the age of 21 years or more, does hereby incorporate the corporation named herein as a nonprofit corporation under the laws of the State of Oregon and hereby does adopt, execute and verify in duplicate the following Articles of Incorporation thereof:

ARTICLE I: NAME

The name of the corporation is SURF PINES ASSOCIATION, and its duration shall be perpetual.

ARTICLE II: PURPOSE AND BOUNDARY

The purpose or purposes for which said corporation is organized are:

To engage without profit to its members in such activities as may promote, by mutual cooperative efforts, the health, recreation, safety, welfare and common good of the members of the Association who are residents of or owners of property in the Community known as Surf Pines, the boundaries of which are more particularly described in Exhibit A, dated September 10, 1988, attached hereto and by this reference incorporated herein.

To provide for the maintenance, preservation and operation of the properties used for community purposes in said community, known as community properties, for the benefit of the members who are residents or owners of property within said community.

To provide, maintain and operate parks, athletic facilities and other recreational facilities, which will be for the mutual benefit of the members who are residents or owners of property within said community.

To engage in lawful activity for which corporations may be organized under the nonprofit laws of the State of Oregon.

To have, possess and exercise all corporate powers under the Oregon nonprofit corporation law.

No part of the net earnings of the corporation shall inure to the benefit of any private member or individual, and no part of the activities of the corporation shall be carrying on of propaganda or otherwise attempting to influence legislation, and the corporation shall not participate in, or otherwise intervene in (including the publishing or distribution of statements) any political campaign on behalf of any candidate for public office.

ARTICLE III: ADDRESS

The address, including the street and number of the registered office of the corporation is: 33317 Surf Pines Lane, Warrenton, Oregon 97146 [Amended 9-2000] and the name of its Registered Agent is Dan Van Thiel [Amended, 9-2000]



Appendixes (Continued)

ARTICLE IV: INITIAL BOARD OF DIRECTORS

The number of directors constituting the initial board of directors shall be five and their respective names and addresses (including street and number, if any) of the persons who are to serve as the initial board of directors are:

Ralph Thomas, P.O. Box 666, Seaside, Oregon 97138
Rodney Banks, P.O. Box 505, Gearhart, Oregon 97138
Richard Schroeder, P.O. Box 76, Gearhart, Oregon 97138
U. W. Raglione, 4418 S.E. 50th Avenue, Portland, Oregon 97206
D. F. Williamson, 3909 S.W. 52nd Place, Portland, Oregon 97221

ARTICLE V: NAME AND ADDRESS OF INCORPORATOR

The name and address, including street and number, of the above-named incorporator is:

John J. Coughlin
807 Electric Building
621 S.W. Alder Street
Portland, Oregon 97205

ARTICLE VI: MEMBERSHIP

All owners of property located within the boundaries of that certain tract of land described in Exhibit A, dated October 3, 1995, and attached hereto and incorporated herein may become members of the Association either upon purchase of a property already a part of the Surf Pines Association or by applying for and being accepted for membership via Exhibit B attached hereto and incorporated herein. When a member sells his or her interest in such property, then the selling member's rights attributable to that property shall terminate and the party acquiring the property shall become a member upon transfer of title. Ownership assessments and voting rights are defined in Article X, Assessments and Charges, and Article XIV, Voting Rights, respectively. [Amended 9-18-1993 and 8-2-1997]

ARTICLE VII: BOARD OF DIRECTORS

Following the Annual Meeting in 2002, the number of directors constituting the Board of Directors of the Surf Pines Association shall be five. Each board member shall serve for a term of three years. Board terms shall be staggered so that two members are elected in 2003 and two in 2004, and one member is elected in 2005 and every three years thereafter. Election of board members shall occur at the Annual Meeting of the Association. Each director so elected shall serve until a successor is elected to take office. Directors must be members, in good standing, of the Association.

The Board of Directors positions shall be numbers 1 through 5. Board member terms shall expire as of the Annual Meeting in the following years and every three years thereafter:

Position #1	2003
Position #2	2004
Position #3	2005
Position #4	2003
Position #5	2004

Directors may be removed from office by a majority vote of the duly qualified members present and acting in person or voting by proxy at a regular meeting or a special meeting called for the purpose of considering such removal. Any meeting at which such action is taken shall be preceded by notice of such intent in accordance with the applicable notice procedures of the by-laws. [Amended 9-18-1993 and 8-4-2001]

ARTICLE VIII: BOARD OF DIRECTORS' INDEMNIFICATION

Every officer and director of the corporation shall be indemnified by the corporation against all liabilities and expenses, including attorney fees, that may be incurred by or imposed upon him or her in connection with any matter or proceeding in which he or she may become involved by reason of his or her being or having been a director or officer of the corporation, except in cases where the officer or director is adjudged guilty of willful misfeasance or malfeasance in performance of his or her duties. Such indemnification shall include settlements that are in the best interest of the corporation. The foregoing right of indemnification shall be in addition to and not exclusive of all other rights to which such director or officer may be entitled.



Appendixes (Continued)

ARTICLE IX: CONTROL OF CORPORATE PROPERTY

The Board of Directors shall have the responsibility for the management, maintenance and control of the assets of the corporation. Provided, however, there shall be no sale, assignment or other transfer of ownership or privilege of use of the assets of the corporation other than items authorized by the adopted budget without same being approved by a 2/3 vote of the member votes represented by members present and acting in person or voting by proxy at a regular meeting or a special meeting called for the purpose of considering such action. Any meeting at which such action is taken shall be preceded by notice of such intent in accordance with applicable notice procedures of the bylaws. [Amended 9-2000]

ARTICLE X: ASSESSMENTS AND CHARGES

Commensurate with the responsibility of Article IX, Control of Corporate Property, the Board of Directors shall establish assessments and charges for the use and maintenance of the corporation's property. Such assessments and charges shall be approved by a majority vote of the member votes represented by members present and acting in person or voting by proxy at a regular meeting or a special meeting called for the purpose of approving such assessments and charges. Any meeting to establish assessments and charges shall be preceded by appropriate notice as per Article IV of the Bylaws. The Board of Directors may establish a special assessment of up to \$100 as per Article IX (9.3) of the Bylaws without a membership vote.

Each buildable tax lot is subject to a quarterly assessment by the Surf Pines Association for the use and maintenance of the corporation's property. [Amended 8-2-1997 and 8-4-2007]

ARTICLE XI: DISENFRANCHISEMENT

Members who fail to pay fees and assessments within 60 days of the date fees or assessments are due shall be disenfranchised from voting. Disenfranchisement shall mean that neither such delinquent members' presence nor proxies shall be counted for purposes of determining or computing quorum or to determine the number of votes necessary to pass an action upon which a vote of the membership is required.

Such delinquent members shall not be entitled to vote on any matter to come before the corporation. At such time as the disenfranchised member pays the fees or assessments that are delinquent, the member's right to vote on all matters and to be counted for purposes of quorum and numbers of votes necessary to pass actions for which a vote of the membership is required shall be immediately reinstated.

Any person who acquires title to property from an owner who is disenfranchised shall also be disenfranchised until the delinquent fees and assessments that caused the original disenfranchisement are paid. [Amended 9-2000]

ARTICLE XII: QUORUM

The vote of a majority of the votes entitled to be cast by the duly qualified members present and acting in person or voting by proxy at a meeting at which a quorum is present shall be necessary for the adoption of any matter voted upon by the members unless a greater proportion is required by Oregon nonprofit corporation statutes, these Articles of Incorporation or the corporation's Bylaws. Those duly qualified member votes represented by members present in person or by proxy at any annual or special meeting of members constitute a quorum at the meeting.

ARTICLE XIII: DISSOLUTION

The corporation may be dissolved only upon a vote of the membership. In order to approve a dissolution of the corporation, such action must receive not less than 2/3 of the total duly qualified member votes entitled to vote.

Such vote may be in person or by proxy at a regular meeting or a special meeting called for the purpose of considering such action. Any meeting at which such action is taken shall be preceded by notice of such intent in accordance with the applicable notice procedures of the Bylaws.

Upon dissolution of the corporation, the assets, both real and personal, of the corporation shall be dedicated to an appropriate municipal corporation or other public agency to be devoted to purposes as nearly as practical the same as those to which they were required to be devoted by the corporation. In the event that such dedication is refused, such assets shall be granted, conveyed and assigned to any like nonprofit corporation, association, trust or other organization, who will devote such assets to the purposes and uses to which they were required to be devoted by this corporation.



Appendixes (Continued)

ARTICLE XIV: VOTING RIGHTS

Each member shall be entitled to a maximum of one vote with the following exceptions:

Multiple owners of a single property shall designate one member to cast one vote.

Identical owners of more than one property shall designate one member to cast one vote on all properties so owned.
[Amended 8-2-1997]

Exhibit A: Boundaries of Surf Pines Association, October 3, 1995

The following described property situated in Sections 16, 21, and 28, all in Township 7 north, Range 10 west, Willamette meridian, Clatsop County, Oregon:

Beginning at a point that bears south 89°54' west of the northwest corner of John Thomas Donation Land Claim No. 41, Section 16, Township 7 north, Range 10 west, Willamette meridian, Clatsop County, Oregon; which point is also the most northerly northeasterly corner of the private road described in Book 243, page 207, Deed Records, Clatsop County, Oregon;

Thence south 89°54' west 80 feet more or less to the west line of the afore described roadway;

Thence south 08°04' east 870.5 feet to a point;

Thence south 83°15' west 1450 feet more or less to the ordinary high tide line of the Pacific Ocean;

Thence southerly along the ordinary high tide line of the Pacific Ocean to the southwest corner of Surf Pines Beach Addition, Block 1, as platted;

Thence north 89°35'10" east along the south line of said plat and the extension thereof to the westerly right of way line of U.S. Highway No.101, as located in June 1969, which point is the southeast corner of the roadway described in the instrument recorded in Book 203, page 413, Deed Records, Clatsop County, Oregon;

Thence north 80 feet along the right of way of U.S. Highway No.101 to the northeast corner of said roadway;

Thence south 89°35'10" west along the north line of said roadway to the center line of Neacoxie Creek;

Thence northerly along center line of Neacoxie Creek to its point of intersection with the northeast corner of that property described in Book 452, page 46, Deed Records of Clatsop County, Oregon;

Thence south 89°56'30" west 803.4 feet;

Thence south 00°10' west a distance of 189.7 feet;

Thence south 7°12'5" east 440.9 feet more or less to the point of beginning;

Together with all property within the plat of Strawberry Hill recorded in Book 12, page 110, Clatsop County Deed Records, together with all roads shown thereon and specifically extending north to the south end of County Road No. 320.

Exhibit B: Application for Membership in Surf Pines Association

The following persons, _____, _____, _____, _____, _____, owners of buildable tax lots located in Clatsop County, Oregon, and within the boundaries described in Exhibit A, hereby apply for membership in Surf Pines Association (the Association), a corporation organized under the Oregon Nonprofit Corporation Law, and, pursuant to the acceptance of our application by the Association, hereby agree, one and all, to comply with and be bound by the Articles of Incorporation and Bylaws of the Association and the actions of the members and the Board of Directors of the Association taken pursuant thereto. We further accept the contractual obligation to pay membership dues in exchange for membership benefits, which include the use and maintenance of all common property held by the Association for the benefit of its members.



Appendixes (Continued)

We further agree that for purposes of voting on any matter coming before the members of the Association, _____ is empowered to cast the one vote to which ownership of the above property entitles us.

We further agree that all official mailings from the Association, excluding any newsletter, should be mailed to _____ at the address specified below:

Street: _____ City: _____ State: _____ ZIP: _____

We further agree that, upon acceptance of this application for membership by the Surf Pines Association, this agreement shall be binding on the heirs, personal representatives, successors and assigns of the undersigned.

Dated: _____ day of _____, 20____

Signature: _____ Signature: _____

Signature: _____ Signature: _____

Acceptance of membership application by Surf Pines Association:

Signature: _____ Office: _____ Held: _____

Dated: _____ day of _____, 20____

Map no.: _____ Tax lot no.: _____

Appendix B, Bylaws of Surf Pines Association, an Oregon Nonprofit Corporation (with Amendments through 2007)

ARTICLE I: DEFINITIONS

1.1 ASSOCIATION shall mean Surf Pines Association, an Oregon nonprofit corporation, its successors and assigns.

1.2 BUILDING SITE shall mean one or multiple contiguous parcels of property under one ownership within the community as defined in Article II of the Articles of Incorporation, as amended, so long as said parcel of property has an existing dwelling or is large enough to obtain a building permit for constructing a dwelling under the applicable land use regulations in effect at the time.

1.3 DWELLING shall mean a single-family residence as defined and permitted under applicable land use regulations.

1.4 COMMON PROPERTIES shall mean all properties, rights of way, easements, and every property right owned by the Association or used by the Association in connection with fire control, street lighting, parks and recreational facilities and other functions of the Association. [Amended 9-1994]

1.5 COMMUNITY shall mean the properties lying within the boundaries described in Article II of the Articles of Incorporation of Surf Pines Association, an Oregon nonprofit corporation. [Amended 9-2000]

1.6 MEMBER shall mean any person or entity who holds a property interest in property in the community that qualifies as the owner thereof, as per Article VI of the Second Amended Articles of Incorporation. [Amended 9-1994]

1.7 OWNER shall mean the record owner of a fee simple title to any building site or the holder of a recorded contractual right of purchase thereto.

ARTICLE II: PURPOSE

2.1 LIMITATION OF PURPOSE. The purpose of the corporation is limited to development, maintenance and operation of the common properties and amenities owned or operated by the Association, as per Article II of the Articles of Incorporation.

2.2 ACTIVITIES. The activities of the Association shall be limited to all lawful acts necessary to accomplish the purposes for which the corporation is formed within the boundaries of community defined in Article II of the Amended Articles of Incorporation of the Surf Pines Association, an Oregon nonprofit corporation.



Appendixes (Continued)

ARTICLE III: OFFICES

3.1 LOCATION. The principal office of the corporation in the State of Oregon shall be the registered office on file with the Oregon Corporation Commissioner. However, for purposes of general business, an office of the corporation shall be located at the street address of the corporation's secretary, but the mailing address shall be: Surf Pines Association, 33317 Surf Pines Lane, Warrenton, Oregon 97146. For practical purposes, the corporation may have other offices, which may include but are not limited to the homes and places of business of the officers, either within or without the state of incorporation, as the Board of Directors may determine or as the business of the corporation may from time to time require for purposes of convenience. [Amended 9-2000]

ARTICLE IV: MEETING OF MEMBERS

4.1 ANNUAL MEETING. The Annual Meeting is open to all members of the Surf Pines Association and shall be held at Surf Pines, Oregon, or such other place and at such date and time during the month of July or August of each year as may be prescribed by the Board of Directors and set forth in the notice of meeting. The Annual Meeting shall be for the purpose of election of directors, adoption of the annual budget, and for the transaction of such other business as may duly come before the meeting. [Amended 9-1994 and 9-2000]

4.2 SPECIAL MEETINGS. Special meetings of the members, for any purpose or purposes, unless otherwise prescribed by statute, may be called by the president of the Board of Directors, and shall be called by said president at the written request of not less than 10% of the members of the Surf Pines Association, for the consideration of such business as may duly come before the meeting. No final resolution may be made at such special meeting on any subject other than the one or ones stated in the notice. Such notice shall be delivered not less than 10 days or more than 30 days prior to the date of such meeting. [Amended 9-1994 and 9-2000]

4.3 NOTICE. Written or printed notice stating the place, date and hour of the meeting, and, in the case of a special meeting, the purpose or purposes for which the meeting is called, shall be mailed by or at the direction of the secretary of the Board of Directors to each member, first class postage prepaid, at the address thereof as such appears in the records of the Association. Such notice may be delivered personally, in which case it will be deemed received upon actual personal delivery, or such notice may be mailed in the United States Mail. If mailed, such notice shall be deemed to be delivered when deposited in the United States Mail with the postage fully prepaid. Provided, however, any notice required to be given may be waived in writing, signed by the person or persons entitled to such notice whether it be before or after the time stated therein and shall be equivalent to the giving of such notice. Such notice shall be delivered as defined herein, not less than 10 days or more than 30 days prior to the date of such meeting. [Amended 9-1994]

4.4 VOTING. All voting at the Annual Meeting and on amendments to the Articles of Incorporation or these Bylaws shall be by written ballot cast in person or by proxy. The Board of Directors, at its discretion, may employ written ballots for all other matters. Candidates for positions on the Board of Directors receiving the highest number of votes shall be deemed elected. [Amended 9-1994 and 8-2001]

ARTICLE V: BOARD OF DIRECTORS

5.1 VACANCIES. In the case of the death, incapacity, resignation, or removal of a director, a successor shall be elected by a majority vote of the remaining directors to fill the unexpired term of such director. A director who is no longer a member as defined by Section 1.6 herein and Article VII of the Articles of Incorporation or who is absent from three regular meetings of the board in a twelve-month period without the consent of the board shall be considered to have resigned his or her position as a director. [Amended 9-2000 and 8-2002]

5.2 NOMINATION OF DIRECTORS. The president shall appoint a nominating committee consisting of at least three members, which nominating committee shall make as many nominations of members as it shall determine to be appropriate in its sole discretion, but not fewer than the number of vacancies that are to be filled at the Annual Meeting. Nominations also may be made from the floor by members duly qualified to vote at the Annual Meeting.

ARTICLE VI: MEETINGS OF THE BOARD OF DIRECTORS

6.1 REGULAR MEETINGS. Within ten days after each Annual Meeting of the members, the directors elected as such meeting and those holding over shall hold an organizational meeting for the purposes of electing officers of the Board of



Appendixes (Continued)

Directors, who shall be considered the officers of the corporation as hereinafter provided, and for transaction of such other business as may come before the meeting. The Board of Directors may by resolution establish the date, time and place for other regular meetings of the board to be conducted without specific notice.

6.2 SPECIAL MEETINGS. Special meetings of the Board of Directors may be called by the president and shall be called by the president upon written request of at least three directors to be held within or without this state and upon not less than 24 hours prior notice to each director delivered in writing by mail, by e-mail, hand delivered or personally by telephone. [Amended 9-2000]

6.3 QUORUM. At any meeting of the directors, a majority if the directors fixed by the Articles of Incorporation shall constitute a quorum for the transaction of business, but if less than said number is present at a meeting, a majority of the directors present may adjourn the meeting.

6.4 NOTICES. No notice need be given of regular meetings held pursuant to resolution of the Board of Directors as herein above specified. [Amended 9-1994 and 9-2000]

6.5 BOARD ACTION. The act of the majority of the directors present at a meeting in which a quorum is present shall be the act of the Board of Directors. [Amended 9-1994]

6.6 DIRECTOR ASSENT. A director of the corporation who is present at a meeting of the directors at which action on any corporate matter is taken shall be presumed to have assented to the action taken, unless a director's dissent shall be entered in the minutes of the meeting by the secretary.

6.7 ACTION WITHOUT A MEETING. Directors may take any action in the absence of a meeting that they could take at a meeting by obtaining the written approval of a majority of directors to such action. Any action taken shall have the same effect as though taken at a meeting of the directors. [Amended 9-1994]

6.8 OPEN MEETINGS. All meeting of the directors shall be open to the members of the corporation, except that the president may declare an Executive Session at a regular, special or emergency meeting to:

- Consider the employment of an officer, employee staff member or individual agent
- Consider the dismissal or disciplining of, to hear complaints or charges concerning, or to review and evaluate the employment-related performance of an officer, employee or staff member
- Consult with counsel concerning legal rights and duties with regard to current litigation or litigation likely to be filed

ARTICLE VII: OFFICERS

7.1 The officers of this corporation shall be president, vice president, secretary and treasurer, each of whom shall be members of the Board of Directors. The Board of Directors may appoint an assistant secretary and an assistant treasurer by resolution entered on its minutes. The officers shall be elected at the organizational meeting of the Board of Directors each year, and the term of office shall be for one year or until their successors are elected and assume office, unless such officer ceases to serve upon the Board of Directors.

7.2 REMOVAL, RESIGNATION AND VACANCIES. Any officer may be removed from office with cause by the board. A vacancy in said office shall be filled by an election of the Board of Directors. The officer elected to such vacancy shall serve for the remainder of the term of the officer he replaces.

7.3 PRESIDENT. The president shall preside at all meetings of the members of the Association and of the Board of Directors. The president shall sign for the Association such contracts and other documents as the president may be authorized by the Board of Directors to sign and shall perform all acts and duties usually and customarily performed by a president or as prescribed by all members of the Board of Directors.

7.4 VICE PRESIDENT. In the absence of the president, the vice president shall preside and perform the duties of the president. The vice president shall also perform such other duties as may be designated to the vice president by the president of the Board of Directors.

7.5 SECRETARY. The secretary shall keep a full and complete record of the meetings of the Association and of the Board



Appendixes (Continued)

of Directors; mail or personally deliver notice of the meetings of the Board of Directors and of the members; keep accurate current records showing the members of the Association together with their addresses; perform such duties as he or she is required to perform in connection with assessments; sign for the Association such contracts and other documents as he or she may be authorized by the Board of Directors to sign; and perform such other duties as may be required by the board. The assistant secretary, which may be authorized by the Board of Directors, may be delegated the duties of the secretary.

7.6 TREASURER. The treasurer shall keep such records, make such reports, and perform such other duties as may be required from time to time by the Board of Directors. The treasurer may be required to be bonded by the directors, and the premium costs shall be paid by the Association. The assistant treasurer, which may be authorized by the Board of Directors, may be delegated the duties of the treasurer.

7.7 DELEGATION AND CHANGE OF DUTIES. In the event of absence or disability of any officer, the Board of Directors may delegate during such absence or disability the powers or duties of such officer to any other officer or other director, except for voting.

ARTICLE VIII: POWERS AND DUTIES OF THE BOARD OF DIRECTORS

8.1 GENERAL POWERS. The Board of Directors shall have power to:

- (a) Adopt and publish rules and regulations governing the use of common properties and facilities provided by the Association, and the personal conduct of members and their guests thereon, and to establish penalties for the infraction thereof.
- (b) Exercise for the Association all powers, duties and authority in or delegated to the Association and not reserved for the membership by other provisions of the Bylaws or the Articles of Incorporation.
- (c) Conduct or otherwise acquire the use of any and all kinds of recreation and athletic facilities for the use and benefit of the members of the Association and enter into management contracts for the management of such facilities.
- (d) Employ a manager or other employees and officials, prescribe their duties and fix their compensation.
- (e) Require members to maintain their property free of hazardous conditions or general nuisances including but not limited to:
 - Unprotected excavations more than four feet in depth
 - An accumulation of dead or dying trees, brush or other flammable materials
 - Unused refrigerators, freezers or similar appliances accessible and dangerous to children
 - Structurally unsafe buildings, such as one damaged by fire
 - Garbage or odorous materials
 - Dogs allowed to run freely out of sight of the owner

If a majority of the board determines, upon receipt of a written complaint, that a hazardous or potentially hazardous condition or general nuisance exists, it shall notify the member owning the property on which it exists of such condition by certified mail, the date of which shall be the presumed date of receipt. If, within 30 days following receipt of the notice from the board directing the member to eliminate or correct a specifically described hazardous condition or general nuisance (1) the condition continues unabated and (2) the member has not appealed the order of the board, in writing, stating the reasons why the member should not be required to abate the described condition, the board may send the member a second notice stating that if the condition is not abated within an additional 30 days following receipt of the notice the board will impose an assessment (in the amount determined from time to time by the board and published in the *Breeze* prior to becoming effective) for each calendar day that the condition described in the directive continues, which shall be collected in accordance with Section 9.6, and/or

If the member submits a timely written appeal, the board shall not issue the second notice provided above without a hearing that shall be held not less than 15 days after notice of the time, date and place of the hearing is provided to the member.

Nothing in this Bylaw shall prevent the reporting of any violation of local, state or federal law to proper authorities.

[Amended 8-2003]



Appendixes (Continued)

(f) Require lot owners to comply with the following construction and use standards deemed necessary to preserve the existing character of Surf Pines:

These standards will not apply to any construction or subdivision that is either completed or fully permitted by governmental authorities on the effective date of this bylaw (8-2006). The term *residence* in these standards means a main residential structure attached to a fixed foundation and attached or detached accessory structures, such as garages, decks, and storage sheds. If in doubt, terms herein shall be interpreted consistent with Clatsop County Ordinance 80-14 Section 1.030.

Purpose: To maintain open yards. Requirements: No part of the residence may be located in the yards required herein. The required front yard shall be 20 feet. The required rear yard shall be 20 feet, except that on a corner lot it shall be 10 feet. The required side yards shall be 10 feet, except that on a corner lot the minimum street side yard shall be 20 feet. Exceptions:

- (1) For lots created prior to September 30, 1980, that are less than minimum size, side yards must be at least 5 feet.
- (2) Accessory structures separate from the main building may be located within 5 feet of a side or rear lot line.
- (3) The main building front steps may project into the front open space. Gutters, chimneys, eaves, and similar architectural features may project not more than 2 feet into required yards, and surface structures (such as patios) not more than 30 inches high may be located within required yards.

Purpose: To preserve existing view lines. Requirements:

- (1) No part of any residence or other construction shall be located to the west of the ocean-front setback line.
- (2) If there are buildings to both the north and south of the lot, the ocean-front setback line for the lot is a line drawn from the most seaward parts of the foundations of the nearest buildings to the north and south. Otherwise, the ocean setback line is a line parallel to the Ocean Drive right of way drawn at a distance from the midpoint of that right of way equal to the shortest distance from the midpoint of the right of way to the most seaward part of the foundation of the nearest building to the north or south of the lot.
- (3) *Building* for the purpose of establishing a setback line means a principal residence structure attached to a fixed foundation and does not include decks and similar accessory structures.
- (4) No subdivision, lot reconfiguration, or similar action may create a right to build beyond the lines set forth in these rules.
- (5) No part of any residence shall be built above a maximum height of 26 feet east of the Ocean Drive right of way or 18 feet west of the Ocean Drive right of way. The height of a structure is measured from the average height of undisturbed ground at the 4 principal corners of the main structure.

Purpose: To maintain low density. Requirements:

- (1) Minimum lot size is 1 acre. Minimum lot width is 100 feet. Width:length ratio may not exceed 1:3.
- (2) Each lot may be used only for one single-family residence.

Enforcement:

If it appears to the board at any time that a violation of the standards has occurred or is about to occur, the board may schedule a hearing not less than 30 days after notice of the hearing and its purpose is mailed by certified mail to the owner at the address that appears in the records of the association or actual residence. At the hearing the board shall determine whether a violation has occurred or whether a certain action would constitute a violation. The decision of the board shall be binding on the parties. If the board finds that a violation has occurred or the owner engages in an action that has been determined to be in violation, the board may give notice of the violation in the manner provided above. If the violation is not cured within 30 days of that notice, the board may thereafter take any action allowed by law or these bylaws to enforce its decision, including imposing assessments of up to \$100 a day for each day that the violation continues after the 30-day period for compliance, which assessments shall be collected in accordance with section 9.6, or bringing in the name of the association action in court for damages or for an injunction enforcing the standards or for such other remedy as may be available. [Amended 8-2006]



Appendixes (Continued)

(g) Perform such other functions as are ordinarily performed by directors and permitted by the Articles of Incorporation and the statutes of the State of Oregon.

8.2 DUTIES OF THE DIRECTORS. The Board of Directors shall:

(a) Cause to be kept a complete record of all its acts in the proceedings of its meetings and cause to be presented at the Annual Meeting of the members a report reviewing the business and affairs of the Association.

(b) Procure and maintain adequate liability and hazard insurance on the property owned, leased or otherwise used by the Association to the extent such insurance is available at a cost considered reasonable and prudent by the Board of Directors.

(c) Cause the common properties to be maintained.

ARTICLE IX: FISCAL MATTERS

9.1 DUTIES OF THE DIRECTORS

9.1.1 It shall be the duty of the directors to cause an annual budget to be formulated in which the board shall estimate the annual common expenses in advance for each fiscal year. Such common expenses shall include but not be limited to [Amended 9-2000]:

(a) Cost of maintaining the facilities within the area from which the membership of the corporation is comprised.

(b) Cost of good supplies and services to be provided for the maintenance, repair and operation of the common facilities and to carry out the duties and responsibilities of the corporation.

(c) Cost of insurance and bonds required by these Bylaws.

(d) Management, legal and accounting costs for operation of the corporation and enforcement of the Bylaws and Articles of Incorporation and other responsibilities attributable to the corporation.

(e) Such other reasonable costs and expenses as may be paid for on behalf of promoting the interest of the corporation including an amount for contingency expenses. [Amended 9-2000]

(f) Said annual budget shall be presented for approval at the Annual Meeting of the members. Included in the budget report shall be a comparison of the proposed budget to prior year's budget and the actual income and expenses of the prior year. [Amended 9-2000]

9.1.2 It shall be the duty of the directors to maintain a record of the annual assessments against each dwelling or property and special assessments as approved by the membership as set forth in the Articles of Incorporation and give the members subject thereto written notice of such charges or assessments at least 30 days prior to the due date thereof and cause to be prepared a roster of property subject to assessments and charges applicable to each such property and keep such roster in the Association office subject to inspection by any member. [Amended 9-2000]

9.2 LIMITATION. The Board of Directors shall not obligate the corporation for costs in excess of the amount of assessments, charges and dues approved by the membership pursuant to the Articles of Incorporation or emergency assessment pursuant to Section 9.3 below.

9.3 EMERGENCY ASSESSMENT. Notwithstanding the provisions of Section 9.2 above, if a true emergency arises, the Board of Directors may assess up to \$100 per year to each parcel of property for which the owner or owners are entitled to cast a membership vote.

9.4 USE OF FUNDS. The assessments, charges and dues levied by the Association shall be exclusively for the purpose of promoting the recreation, health and safety, enjoyment, common good and welfare of the members and for the improvement and maintenance of the property, services and facilities devoted to such purpose and related to the use and enjoyment of the common properties.



Appendixes (Continued)

9.5 BILLINGS. The initial quarterly billing of assessments shall be on October 1, 1988, with assessments to be billed at 3-month intervals following said date.

9.6 COLLECTION. Membership dues are payable upon receipt but not later than the last day of the month of the dues statement and are delinquent thereafter. All unpaid dues are subject to a late charge of \$15 for each month the balance remains unpaid, beginning the first business day of the month following the invoice date. Assessments and fees are payable upon receipt but not later than the last day of the month of the invoice and are delinquent thereafter. All unpaid assessments and fees are subject to a late charge of \$15 or 5% of the unpaid balance, whichever is larger, for each month the balance remains unpaid, beginning the first business day of the month following the invoice date. Should any owner fail or refuse to pay the invoice amount including the late charges, the Board of Directors is authorized to bring any necessary and appropriate action, to include placing a lien and foreclosing on the assessed property, to collect the amount owed. The Board of Directors may adjust the late charges as necessary to cover increases in billing and handling costs. Revised charges will commence upon notification of the membership by publishing the changes in the *Breeze*. [Amended 8-1996, 8-1997, 9-2000, and 8-2006]

9.7 REIMBURSEMENT. Directors may be reimbursed for reasonable expenses directly attributable to the performance of their duties and responsibilities as directors.

ARTICLE X: FISCAL YEAR

10.1 The fiscal year of the corporation shall begin on July 1st of each year.

ARTICLE XI: AMENDMENTS

11.1 These Bylaws may be altered, amended or repealed and new Bylaws may be adopted by a majority vote of the members of the Association, voting in person or by proxy at any regular or special meeting of the membership called therefore, with notice specifying such purpose provided not less than 10 days in advance.





Appendixes (Continued)

Appendix C, Summary of Board of Directors' Policies

This summary of Board of Directors' policies is current as of January 2008. Included in the summary are policies regarding **finance, security, and roads and grounds**, plus **miscellaneous** policies. Copies of the complete policies are available upon request from the administrator.

Finance

Dues: \$100 quarterly (billed in arrears)

One-time fees for new homes:

Development fee: \$1000

Road Impact fee: \$0.50 per square foot of livable area, excluding decks and garage

Gate fee: \$225

Recording of payment: Payment applied to oldest charge first

Notice of delinquent payment: Mailed monthly (notice of pending lien with fourth mailing)

Lien: Filed if dues, fees, or assessments are unpaid for 120 days

Lien-filing fee: \$40

Foreclosure: Initiated if no payments are made for 12 months

Multiple lots in single ownership: Contiguous lots may be combined for the purpose of dues, but only one home may be developed on the combined lots

Invoices:

Under \$500 requires approval by either a director or the administrator

Over \$500 requires approval by at least one director

Checks:

Under \$500 requires one director's signature

Over \$500 requires two directors' signatures

Expenditures: May be approved by a committee chairperson if under \$500, in accordance with policy, and within budget

Security

Vehicle speed: Except for Surf Pines Lane east of the south gate, all Association roads are posted for a maximum speed of 25 miles per hour. Persons operating a vehicle in excess of that speed are subject to an assessment according to the following schedule in use by the courts of Oregon.

MPH in Excess of Posted Speed	Amount of Assessment
1-10	\$97
11-20	145
21-30	242
30+	427

Procedures for disputing and collecting the assessment are included in the policy, as are provisions for assessing contractors, service personnel, and guests.

Burning: For policies regarding burning, see "Residents' Guidelines for Burning Small Amounts of Debris" on page 10 and "Policy on Disposal of Large Amounts of Debris Resulting from Clearing Land" on page 11.



Appendixes (Continued)

Roads and Grounds

Road construction: Construction must be in accordance with county standards.

Road transfer: Roads transferred to the Association must meet minimum standards.

Road maintenance: Maintenance is provided for roads owned by the Association, but not for privately owned roads and driveways.

Road repair requirements: Trenching across a road requires **prior approval** of the Roads and Grounds Committee. Repair work must be done in accordance with established standards.

Disposal of debris resulting from clearing land: Debris resulting from clearing land is to be disposed of in a manner other than by use of fire. (See the policy on page 11.)

Right of way landscaping: Property owners may landscape the Association's right of way adjacent to their property provided that the view of other property owners is not diminished, the view of oncoming traffic is not obstructed, nothing that might damage a vehicle is placed within 5 feet of the pavement, and approval of the Roads and Grounds Committee is obtained before removing or altering the height of trees that are 6 inches in diameter or larger.

Yard signs: Real estate signs, garage sale signs, political signs, and other signs may be located only on private property, not on the Association's right of way. Exception: Directional signs for a real estate open house or a garage sale are permitted during the event but must be removed when the event ends.

Use of park: Groups may use the park for picnics, weddings, receptions, and other gatherings provided that at least one member of the group is a member of the Association. These rules apply:

- The member of the Association is responsible for reserving use with the administrator.
- The member is responsible for cleanup after the use of the park.
- The park may not be used for religious, political, or other rallies.
- The park is not available for exclusive use.

Use of meeting house: Groups may use the meeting house for meetings and other gatherings. These rules apply:

- A member of the Association may reserve use of the meeting house up to 6 months in advance.
 - The use must be appropriate for the meeting house, including committee and club meetings (but not religious or political meetings).
 - Neither smoking nor drinking alcohol is permitted in the meeting house.
 - A key to the meeting house may be obtained up to 48 hours in advance of the use.
 - An adult member of the Association must be present all during the use.
 - Tables, chairs, and kitchen appliances may be used, but must be cleaned and stowed after use.
 - Nothing may be mounted on the walls, except on the map rail that is provided.
 - The house must be cleaned after use (a vacuum and cleaning supplies are provided).
 - Any damage to the meeting house must be reported to the security manager.
 - The key must be returned immediately after use of the meeting house.
-



Appendixes (Continued)

Miscellaneous

Alcohol and controlled substances: Surf Pines is an alcohol and drug free work place, a policy that applies to all employees.

Letter to member regarding conduct: A letter can be sent to a member whose conduct or whose guest's conduct is contrary to the quality of life that is desired in the community, if the conduct is appropriately documented.

Nuisances: The Association will work to abate a general nuisance that affects the community; an individual member is encouraged to work to abate a particular nuisance that affects himself or herself personally.

Assessment for hazardous condition or general nuisance: An assessment of \$10 per day will be imposed for failure to correct a hazardous condition or a general nuisance, including, but not limited to, the following:

- Unprotected excavations more than four feet in depth
- An accumulation of dead or dying trees, brush, or other flammable materials
- Unused refrigerators, freezers, or similar appliances dangerous to children
- Structurally unsafe buildings
- Garbage or odorous materials
- Dogs allowed to run loose out of sight of the owner





Appendix D, Tsunami 101 for Surf Pines Residents

by Bill Barrons and Patrick Kelley

You and the members of your family should know what a tsunami is and what to do when a tsunami strikes Surf Pines. Ensuring that the members of your family have this information can save their lives.

What Is a Tsunami?

A *tsunami*, also called a tidal wave, is a series of waves that are usually caused by an earthquake beneath the floor of the sea. In an open sea, these waves can travel at speeds up to 600 miles per hour. As the waves enter shallow water, they can rise, reportedly, to heights up to 100 feet, though peak wave heights from tsunamis in the Pacific Ocean during the past 90 years have ranged from 20 to 45 feet at the shoreline.

A tsunami usually includes not one wave, but a series of waves. The first wave is usually not the worst wave. And this series of waves can continue for hours.

There are two types of tsunamis, distinguished by whether the source is distant or local. Both types of tsunamis can strike Surf Pines. Both types are dangerous.

A tsunami can be generated at a great distance from the Oregon Coast. An example is the tsunami of 1964 that was generated by an earthquake off the coast of Alaska. Because the source was distant, the tsunami reached the Oregon Coast hours after the earthquake and most residents received advance notice via radio and television.

Though the source was distant and though there was advance notice, the tsunami of 1964 damaged property in Seaside and Cannon Beach and killed four children from the McKinzie family, who were camping with their parents at Beverly Beach State Park between Depoe Bay and Newport. Significantly, the whole family survived the first wave, which was relatively small; but the larger second wave, carrying logs and other debris, battered the family and swept the four children away.

A tsunami with a local source is likely to be generated by an earthquake along the Cascadia Subduction Zone, a fault area subject to quakes, which is only 50 to 80 miles off the coasts of Washington and Oregon. Because the source is local, the tsunami will reach the coast in minutes—perhaps within 30 to 10 minutes—and residents will receive little or no advance notice via radio and television. The only notice of the tsunami might be the shaking from the earthquake.

What Do You Do When a Tsunami Strikes Surf Pines?

Take these two steps:

1. When you receive advance notice via radio or television that a tsunami will strike the coast, get away from the beach and move to higher ground.

Or when you feel an earthquake that shakes the ground violently, get away from the beach, without waiting for any other notice, and immediately move to higher ground.

Or if you are walking on the beach and the water recedes rapidly, then run to higher ground.

In Surf Pines, the higher ground is along Manion Drive.

2. After you reach the higher ground, stay there until you receive notice that the tsunami threat is over.



